

14 June 2016

INFORMATION REQUEST REFERENCE 16036

Dear [REDACTED]

Thank you for your information request, received on 15 April 2016. You asked the London Legacy Development Corporation (Legacy Corporation) to provide the following information under the Freedom of Information Act 2000 (FOIA):

“Following the full publication of the agreement between West Ham United and E20 Stadium including rental amounts could you detail the rental paid by other hirers of the Stadium for past and future events within the last 12 months.

- 1) The cost of hiring the Queen Elizabeth Stadium for the organiser of the Great Newham run on Sunday 19th July 2015 or any contribution to running costs of the stadium for the event.*
- 2) The cost of hiring the Queen Elizabeth Stadium for the Sainsbury’s Anniversary Games by UK Athletics for the three day event 24-26th July 2015 or any contribution to the running costs of the stadium for the event or any revenue sharing model of ticket sales.*
- 3) The cost of hiring the Queen Elizabeth Stadium to organisers of the rugby match between Barbarians and Samoa on 29th August 2015 or any contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.*
- 4) The cost of hiring the Queen Elizabeth Stadium to the Rugby World Cup organisers between September and October 2015 for five matches including France v Romania 23rd September 2015, New Zealand v Namibia 24th September 2015, Ireland v Italy on October 4th 2015, South Africa v United States on October 7th 2015 and the Rugby World Cup bronze final on October 30th 2015 or any contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.*
- 5) The cost of hiring the Queen Elizabeth Stadium to the organisers of Rugby League match between England and New Zealand on 7th November 2015 or any contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.*

6) *The cost of hiring the Queen Elizabeth Stadium to the organisers of the Race of Champions on 20th to 21st November 2015 or contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.*

7) *The cost of hiring the Queen Elizabeth Stadium for the Sainsbury's Anniversary Games by UK Athletics for the three day event 22-24th July 2016 or contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.*

8) *The cost of hiring the Queen Elizabeth Stadium for the AC/DC music concert on 4th June 2016 or contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales."*

Our response follows your order:

Q.1 The cost of hiring the Queen Elizabeth Stadium for the organiser of the Great Newham run on Sunday 19th July 2015 or any contribution to running costs of the stadium for the event.

The event organiser, London Borough of Newham (Newham), is a member of E20 Stadium LLP (E20). Newham has a number of days that allow them to use the Stadium for the benefit of the community, free from a commercial rent. The Great Newham Run was one of these days. As such, the London Borough of Newham met the event operating costs, but did not pay a hire fee.

Q.2 The cost of hiring the Queen Elizabeth Stadium for the Sainsbury's Anniversary Games by UK Athletics for the three day event 24-26th July 2015 or any contribution to the running costs of the stadium for the event or any revenue sharing model of ticket sales.

Under the terms of the UKA Access agreement UKA met the operating costs of the event, but did not pay a hire fee. The agreement is available on our website, here: <http://queenelizabetholympicpark.co.uk/~media/lldc/publication%20scheme/foi%20response/s/201605/16036%20uka%20agreement.pdf>.

Q.3 The cost of hiring the Queen Elizabeth Stadium to organisers of the rugby match between Barbarians and Samoa on 29th August 2015 or any contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.

The information requested has been withheld under FOIA exemption section 43(2) – commercial interests.

S.43(2) - Commercial interests.

(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

The section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party. Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have access to this information beyond the requestor and the purposes for which they could use the information.

The Legacy Corporation have assessed the impact of releasing the costs associated with the hiring of the Stadium for the rugby match between Barbarians and Samoa on 29 August 2015. There is, of course, a public interest in promoting transparency in accountability in regards to the agreements that are entered into by public sector bodies as well as their decisions. However, the disclosure of this information would be likely to prejudice commercial interests of the Stadium because it will reveal financial information which would be likely to impact on current and future negotiations for use of the Stadium, which in turn would harm the Stadium's ability to achieve best value for the public purse.

This is a short hire agreement for a short term use of the Stadium. As a multi-use venue, the operator of the Stadium, LS185, will be seeking to pursue similar deals with other potential users in a highly competitive market. If this information were to be released it would prejudice LS185's commercial interests, as well as those of E20 Stadium LLP and its members and ultimately the public purse, by allowing both potential users and competitors to see the terms of which past deals have been transacted.

The Stadium needs to be able to successfully operate in a small but very strong and very competitive market. The information, if disclosed, would be likely to put the Stadium at a competitive disadvantage within this market by allowing competitors of the Stadium, who are not subject to the same legislation, to gain access to commercially valuable information. Bidders during current and future negotiations for use of the Stadium could also use this information to their advantage.

Ultimately, the Legacy Corporation is seeking to ensure that the Stadium can operate without public subsidy. Therefore, it is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

Q.4 The cost of hiring the Queen Elizabeth Stadium to the Rugby World Cup organisers between September and October 2015 for five matches including France v Romania 23rd September 2015, New Zealand v Namibia 24th September 2015, Ireland v Italy on October 4th 2015, South Africa v United States on October 7th 2015 and the Rugby World Cup bronze final on October 30th 2015 or any contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.

A redacted version of the RWC agreement is available on our website, here: <http://queenelizabetholympicpark.co.uk/~media/lldc/publication%20scheme/foi%20response/s/201605/16036%20rwc%20agreement.pdf>.

The cost of hiring the Stadium has been withheld under FOIA exemption section 43(2) – commercial interests.

S.43(2) - Commercial interests.

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The section 43(2) is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice our commercial interests or the commercial interests of a third party. Consideration is also given to the harm disclosing this information would be

likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

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Ultimately, the Legacy Corporation is seeking to ensure that the Stadium can operate without public subsidy. Therefore, it is the view of the Legacy Corporation that, at this time, the public interest in withholding the information outweighs the public interest in disclosing it.

Section 31(1)(a) - Law enforcement.

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

(a) the prevention or detection of crime

The section 31 exemption is a qualified exemption and subject to the prejudice test and the public interest test. Under the prejudice test we have to consider if disclosure of this information would, or would be likely to, prejudice the prevention of crime. Consideration is also given to the harm disclosing this information would be likely to cause, combined with other information already in the public domain (mosaic effect) or possibly released at a future date (precedent effect). The public interest test considers and balances the public interest in disclosing this information against the public interest in not disclosing this information and uses this assessment to decide whether there is sufficient justification in withholding this information under this exemption.

Information disclosed under the FOIA is considered to be public information, and while there is a presumption towards disclosure, consideration needs to be given as to who will have

access to this information beyond the requestor, and the purposes for which they could use the information.

The Legacy Corporation have assessed the impact of releasing this information and consider that the public interest in this particular information, namely detailed plans of the Olympic stadium and security information, would not benefit from this information being released into the public domain. The security of the Stadium would be jeopardised, and the prevention of crime would be likely to be prejudiced. It is the view of the Legacy Corporation that the public interest in withholding the information outweighs the public interest in disclosing it.

Section 40(2) – personal information

*(2) Any information to which a request for information relates is also exempt information if—
(a) it constitutes personal data which do not fall within subsection (1), and
(b) either the first or the second condition below is satisfied.*

The section 40 exemption is absolute and is not subject to the public interest test. It is the standard practice of the Legacy Corporation to redact personal information unless consent to release the information has been received.

In this instance, the relevant condition that applies is section 40(2) whereby the information is defined as personal data within Section 1(1)(a) of the Data Protection Act 1998. As we have not received consent of the data subject, release of the requested information at this time would contravene the first data principle under Schedule 2(1) of the Data Protection Act 1998.

Q.5 The cost of hiring the Queen Elizabeth Stadium to the organisers of Rugby League match between England and New Zealand on 7th November 2015 or any contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.

The agreement to hire the Stadium for this event was between the organisers and London Stadium 185 Ltd (LS185). The information requested is held by LS185. This information is not held by the Legacy Corporation or E20.

Q.6 The cost of hiring the Queen Elizabeth Stadium to the organisers of the Race of Champions on 20th to 21st November 2015 or contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.

The agreement to hire the Stadium for this event was between the organisers and London Stadium 185 Ltd (LS185). The information requested is held by LS185. This information is not held by the Legacy Corporation or E20.

Q.7 The cost of hiring the Queen Elizabeth Stadium for the Sainsbury's Anniversary Games by UK Athletics for the three day event 22-24th July 2016 or contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.

Under the terms of the UKA Access agreement, UKA meet the operating costs of the event, but do not pay a hire fee. The agreement is available on our website, here:
<http://queenelizabetholympicpark.co.uk/~media/lldc/publication%20scheme/foi%20response/s/201605/16036%20uka%20agreement.pdf>

Q.8 The cost of hiring the Queen Elizabeth Stadium for the AC/DC music concert on 4th June 2016 or contribution to running costs of the stadium for the event or any revenue sharing model of ticket sales.

The agreement to hire the Stadium for this event was between the organisers and London Stadium 185 Ltd (LS185). The information requested is held by LS185. This information is not held by the Legacy Corporation or E20.

If you are unhappy with our response to your request and wish to make a complaint or request a review of our decision, you should write to:

Executive Director of Finance and Corporate Services
London Legacy Development Corporation
Level 10
1 Stratford Place
Montfichet Road
London
E20 1EJ

Please note: complaints and requests for internal review received more than two months after the initial response will not be handled.

If you are not content with the outcome of the internal review, you may appeal directly to the Information Commissioner at the address given below. You should do this within two months of our final decision. There is no charge for making an appeal.


Further information on the Freedom of Information Act 2000 is available from the Information Commissioner's Office:

Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone 08456 30 60 60 or 01625 54 57 45

Website www.ico.gov.uk

Yours sincerely


FOI / EIR Co-ordinator
London Legacy Development Corporation